

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09	LUCIANO TONELLI,)	CASE NO. C05-0376-RSL-MAT
10	Plaintiff,)	
11	v.)	ORDER STRIKING PLAINTIFF'S
12	SARGENT AUTRY, et al.,)	MOTION FOR EXTENSION OF TIME
13	Defendants.)	
14	_____)	

Plaintiff is a Washington state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The case is now in the discovery stage. On August 12, 2005, plaintiff sent the court a letter in which he alleged that prison officials had not complied with his recent requests for certain documents. (Dkt. #28). In the letter, he asked for an extension of time. Accordingly, the court will construe the letter as a motion for an extension of time to conduct discovery. So construed, the court does hereby find and ORDER:

(1) Although a certificate of service is attached to the letter, plaintiff did not fill out the certificate completely and it appears that he may not have served defendants with a copy of the motion, as required by Federal Rule of Civil Procedure 5(a) and Local Rule CR 5(f). In addition, plaintiff did not note the motion as required by Local Rule CR 7(b). Finally, the court notes that after he filed the motion, plaintiff filed multiple documents attached to pleading he entitled: "Notice/Order Re: Pretrial Preparation/Submitted Documents." (Doc. #29). Thus, it appears that

01 plaintiff has succeeded in obtaining documents from prison officials. For these reasons, the Clerk
02 shall STRIKE plaintiff's motion for an extension of time. Plaintiff may renew the motion if
03 circumstances so dictate.

04 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
05 defendants, and to the Honorable Robert S. Lasnik.

06 DATED this 29th day of August, 2005.

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08 Mary Alice Theiler
09 United States Magistrate Judge
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